

CHAPTER 15
DISPUTED COUNTY BILLINGS

These rules provide a process to relieve counties' obligations to pay for certain mental health, mental retardation, or developmental disability services rendered before July 1, 1997.

441—15.1(79GA,ch155) Definitions.

"Department" means the Iowa department of human services.

"Services," for the purpose of this chapter, means mental health, mental retardation, or developmental disability services for which the costs or patient charges are payable in whole or in part by a county, in accordance with Iowa Code chapter 222, 230, or 249A. These services include but are not limited to:

1. Medicaid services in an intermediate care facility for persons with mental retardation,
2. Medicaid enhanced services,
3. Medicaid home- and community-based waiver services, and
4. Care for adults and children at the state mental health institutes and state resource centers (formerly the state hospital-schools).

441—15.2(79GA,ch155) Determination of county obligation. The department shall reconcile county receipts, billings, and credits for services rendered before July 1, 1997, that are a county obligation under Iowa Code chapter 222, 230 or 249A.

15.2(1) Obligation. A county shall have no obligation for any outstanding debt or obligation to pay in whole or in part for services to the extent that any of the following conditions are met:

- a. The department has not billed the county before May 21, 2001.
- b. The county has disputed the billing before May 21, 2001, by notifying the department that the county disagrees with or contests the legitimacy or accuracy of the bill.
- c. The state has fully charged off the cost of the service to an appropriation for a fiscal year before the fiscal year ending June 30, 2001, by paying the cost from that appropriation after determining that no county was liable for the cost.
- d. The department has not provided both of the following to the county to document the basis for the billing:

(1) A billing produced by the Medicaid fiscal agent or a departmental billing abstract that includes:

1. Client names;
2. Client identifiers such as, but not limited to, state identification numbers and social security numbers;
3. Billing dates; and
4. The amount due for the county's portion of the cost of services.

(2) Residential information and service history sufficient to allow determination of legal settlement.

15.2(2) Notification. After the department's determination pursuant to subrule 15.2(1), the department shall notify in writing each county that is determined to have an outstanding financial obligation or credit for services rendered before July 1, 1997, under Iowa Code chapter 222, 230, or 249A. The notification shall:

- a. State the amount of the debt obligation or the credit; and
- b. Require the county to submit a written response to the department's division of fiscal management within 30 calendar days of the date of the notification if, based upon the conditions set forth in subrule 15.2(1), the county disagrees with the amount of the outstanding financial obligation or credit.

15.2(3) County response. A county that disagrees with the department's determination of the amount of the outstanding financial obligation or credit shall provide the following information in its written response to the notification issued under subrule 15.2(2):

- a.* A statement of the reasons why the county is in disagreement with the outstanding financial obligation or credit; and
- b.* Any relevant legal citations, client identifiers, and additional information supporting the county's position.

441—15.3(79GA,ch155) Administrative review.

15.3(1) Request for review. Any written response from a county to the notification provided pursuant to subrule 15.2(2) shall constitute a request for administrative review if it is received within 30 calendar days from the date of that notice.

15.3(2) Determination final. If the division of fiscal management receives no request for review pursuant to subrule 15.3(1) within 30 calendar days after providing the notification pursuant to subrule 15.2(2), then the credit and debt determinations shall be considered final. Debt determinations shall be considered due and owing by the county.

15.3(3) Review and notice. Within 30 calendar days of receipt of a timely written request for review, the division of fiscal management shall review the basis for the outstanding financial obligation or credit and the county's position as stated in the request for review. The division of fiscal management shall:

- a.* Notify the county in writing of the findings of the review; and
- b.* Make adjustments to the outstanding financial obligation or credit when necessary.

441—15.4(79GA,ch155) Appeal.

15.4(1) Appeal rights. If a county disagrees with the department's written notice of findings on an administrative review pursuant to subrule 15.3(3), the county may appeal pursuant to 441—Chapter 7 within 30 days of the notice of findings.

15.4(2) Determination final. If the department receives no appeal pursuant to subrule 15.4(1) and 441—Chapter 7 within 30 days from the date of the written notice of findings on an administrative review, then the credit and debt determinations shall be considered final. Debt determinations shall be considered due and owing by the county.

441—15.5(79GA,ch155) Credits. After the final determination of any county credits pursuant to this chapter and 441—Chapter 7, the credit shall remain and the credit balance shall be applied pursuant to 441—Chapter 28.

These rules are intended to implement 2001 Iowa Acts, chapter 155, section 12.

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